

## Mozambique's Country Narrative in the 2014 TIP Report

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### MOZAMBIQUE – Tier 2

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Mozambique is a source, transit, and, to a lesser extent, destination country for men, women, and children subjected to forced labor and sex trafficking. The use of forced child labor is common in agriculture, and market vending, often with the complicity of family members. Women and girls from rural areas, lured to cities in Mozambique or South Africa with promises of employment or education, are exploited in domestic servitude and the sex trade. Mozambican girls are exploited in prostitution in bars, roadside clubs, and restaurants in border towns and overnight stopping points along Mozambique's southern transport corridor that links Maputo, Swaziland, and South Africa. Child prostitution—which is most prevalent in Maputo, Nampula, and Beira—is increasing in Maputo, Beira, Chimoio, and Nacala, cities that have highly mobile populations and large numbers of truck drivers. A UNICEF study released in 2013 reported forced labor and prostitution of migrant Mozambican children in the border town of Ressano Garcia. As workers and economic migrants venture to Tete and Cabo Delgado, taking up employment in the growing extractive industries in the provinces, they serve to increase the demand for sexual services and the vulnerability to exploitation of children in prostitution within the surrounding communities. Some women and girls from Zimbabwe, Swaziland, and Malawi who voluntarily migrate to Mozambique are subsequently subjected to sex trafficking or domestic servitude.

Young Mozambican men and boys are subjected to forced labor on farms, in mines, or as street vendors in South Africa, where they often labor for months without pay and under coercive conditions before being turned over to police for deportation as illegal migrants; at times, Mozambicans return from South Africa to recruit men and boys for these purposes. Mozambican boys migrate to Swaziland for work washing cars, herding livestock, and selling goods; some subsequently become victims of forced labor. Some Mozambican adults and girls are subjected to forced labor and forced prostitution in Angola, Italy, and Portugal. Mozambican or South African trafficking networks are typically informal; larger Chinese and Nigerian trafficking syndicates are reportedly also active in Mozambique. South Asian people smugglers who move undocumented South Asian migrants throughout Africa reportedly transport trafficking victims through Mozambique; recent reports indicate that South Asian citizens and companies in Mozambique pay the initial travel costs of illegal Bangladeshi and Pakistani migrants who they later maintain in bonded labor.

The Government of Mozambique does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government reported continued vigorous prosecution of trafficking offenses, leading the South African Development Community region and providing a strong deterrent to would-be traffickers through significant sentences; one defendant received 19 years' imprisonment for the enslavement of his family members in South Africa. The Attorney General's office continued to serve as the government's *de facto* anti-trafficking lead, by sponsoring the establishment of coordinating bodies, known as "reference groups," in seven provinces—enabling complete national coverage—and continuing its efforts to finalize a national action plan to combat

trafficking, including implementing regulations. The government continued its strong cooperation with South African officials by coordinating cross-border meetings and awareness campaigns and, most notably, by supporting case investigations and oversight of victim care in several transnational trafficking cases. The government's provision of protective services remained weak. Despite enactment of a victim protection law and development of a referral mechanism for victims of all crimes in 2012, the government demonstrated limited ability to provide victim services or track the number of victims identified, referred and assisted. The government continued to provide some in-kind support to an NGO protecting victims, but protection services remained insufficient and sporadic nationwide.

### **Recommendations for Mozambique:**

Finalize and implement the national action plan, including necessary regulations to implement the protection and prevention provisions of the 2008 anti-trafficking law; develop a formal system to identify proactively trafficking victims among vulnerable populations; build the capacity of the police anti-trafficking unit, the labor inspectorate, and the Women and Children's Victim Assistance Units (GAMC) to investigate trafficking cases and provide short-term protection to victims; expand the availability of protective services for victims via increased funding to the Ministry of Women and Social Action (MMAS) and NGOs; continue training law enforcement officers in victim identification, particularly at border points; monitor the reported growth of commercial sex in Tete and Cabo Delgado provinces and train officials to investigate and prosecute those facilitating child or forced prostitution; investigate reports of official complicity in human trafficking and vigorously prosecute cases against those implicated in trafficking offenses; consider establishment of an inter-ministerial body to coordinate anti-trafficking efforts nationwide; institute a unified system for collecting trafficking case data for use by all stakeholders; and launch anti-trafficking awareness campaigns in additional provinces.

### **Prosecution**

The government continued to make strong anti-trafficking law enforcement efforts. The Law on Preventing and Combating the Trafficking of People, enacted in 2008, prohibits recruiting or facilitating the exploitation of a person for purposes of prostitution, forced labor, slavery, or involuntary debt servitude. Article 10 prescribes penalties of 16 to 20 years' imprisonment for these offenses, penalties that are sufficiently stringent and exceed those prescribed for other serious crimes, such as rape.

The government continued compiling anti-trafficking law enforcement data; however, it did not provide details on specific cases or report on the number of investigations and prosecutions initiated in 2013. During the year, two defendants were acquitted and 24 were convicted—roughly equivalent to the 23 convictions obtained in 2012; however, as the 2008 anti-trafficking law includes prohibitions against organ trafficking, which is known to exist in Mozambique, these case totals likely included cases beyond sex and labor trafficking. All sentences included prison terms ranging from 10 months to 19 years. In one case, the Judicial Court of the City of Maputo sentenced one convicted offender to 19 years' imprisonment for transporting his two granddaughters to South Africa for the purpose of prostitution. Despite this case, officials noted that the reporting and trial of cases is often inhibited by the involvement of family members in trafficking schemes.

The government, in partnership with UNICEF, continued to offer a two-week anti-trafficking course at the police training center for all newly recruited police officers, border guards, customs and immigration agents, and rapid intervention (riot) police. In 2013, approximately 5,000 recruits took the course, which covered recognition of trafficking cases, protection of victims, child rights, and child custody law. In addition, 50 judges were trained on trafficking at the Judicial Training Academy. As part of two partially donor-funded trainings, the Attorney General's office organized a May 2013 seminar for 30 prosecutors from across the country on how to prosecute trafficking cases or use other legal provisions if the trafficking offense was not proven. In November 2013, the GAMC organized a week-long session with 40 prosecutors and criminal investigative police on how to improve efforts to respond to trafficking, including case identification and processing techniques. Nonetheless, police investigative techniques, training, capacity, and forensic abilities continue to be weak, particularly outside of the capital. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking or trafficking-related offenses, including those bribed to allow traffickers and smugglers to move persons within the country and across national borders into South Africa and Swaziland. In addition, during the reporting period, allegations arose of prison officials forcing women to provide sex acts in exchange for food and necessary supplies, although officials denied these claims. During the year, the government continued its strong cooperation with South Africa by holding three cross border meetings with officials from South Africa's Mpumalanga provincial anti-trafficking task team to discuss the repatriation of children, including child trafficking victims, and jointly investigating and providing oversight of victim care in an ongoing case being tried in Nelspruit, South Africa.

### **Protection**

The Government of Mozambique maintained limited efforts to protect victims of trafficking. The government lacked formal procedures for identifying potential victims of trafficking and failed to provide detailed information on the number identified and assisted during the year. Government officials continued to rely on NGOs to provide shelter, counseling, food, and rehabilitation to victims, and offered only limited in-kind government support. An NGO managed the country's only permanent shelter for child trafficking victims, with the MMAS funding the shelter staff's salaries and the district of Moamba providing the land. MMAS psychologists at the shelter coordinated both the search for trafficking victims' families and, if necessary, their placement with foster families; in advance of victims' return or placement, they counseled children and families, which were also able to receive government funding on a case-by-case basis. In 2013, two victims repatriated from South Africa received care at this NGO-run shelter and MMAS officials coordinated their return home.

The Interior Ministry's GAMC continued to operate facilities in more than 215 police stations and 22 "Victims of Violence" centers throughout the country that provided temporary shelter, food, limited counseling, and monitoring following reintegration for victims of crime; it is unknown whether trafficking victims received these services during the year. GAMC staff also referred and transported victims to NGOs or foster families for longer-term assistance. The Institute for Judicial Support offered legal assistance to abused women and children, but did not provide such assistance to trafficking victims during the year. In 2013, the Ministry of Justice drafted an action plan, to guide the efforts of the Central Office for the Protection of Victims and outline implementation of the 2012 Law on the Protection of Witnesses and Victims of All

Crimes; such efforts would include trafficking victims and those who cooperate with law enforcement in the investigation and prosecution of human trafficking cases. The Multi-Sectoral Mechanism on Integrated Care for Women Who are Victims of Violence, approved in 2012, outlined the role of each ministry in providing assistance to victims of violence, including trafficking victims; however, this would not cover male trafficking victims. The government did not report improvements in its efforts to assist victims as a result of the new provisions in either the 2012 law or multi-sectoral mechanism and remained unable to collect data on victim service provisions.

The government encouraged victims to assist in the investigation and prosecution of trafficking offenders. For example, Mozambican police cooperated with South African officials in the investigation of a trafficking case discovered in the previous reporting period, and the Mozambican Attorney General's office—in their *de facto* leadership role—worked with South African authorities to provide adequate protection of the victims who remained under their care in support of the ongoing investigation. The government did not provide temporary residency status or legal alternatives to the removal of foreign victims to countries where they might face hardship or retribution and it continued to deport foreign nationals without screening them for possible trafficking victimization. NGO contacts reported no instances of trafficking victims having been detained, fined, or jailed for unlawful acts committed as a result of having been trafficked, and the 2008 anti-trafficking act exempted victims from prosecution for such acts. Nevertheless, the lack of formal identification procedures impaired the government's ability to ensure that no trafficking victims were inadvertently penalized.

## **Prevention**

The government maintained its strong efforts to prevent trafficking in persons with the establishment of coordinating bodies in seven provinces and organization of several awareness-raising events. The Attorney General's office worked with the Ministry of Justice to draft a national action plan on trafficking in persons, which will outline the roles of all stakeholder ministries and have the same effect as implementing regulations. The government had not finalized the plan and submitted it for approval by the Council of Ministers at the end of the reporting period. Although the government lacked a single national body to coordinate anti-trafficking efforts across ministries, the Attorney General's office continued to demonstrate leadership in overseeing national anti-trafficking efforts. For example, in 2013, the Attorney General's office partnered with provincial governments and sponsored the establishment of inter-ministerial "reference groups" in seven provinces consisting of provincial officials, police, border guards, social workers, NGOs, and faith-based organizations. The reference groups coordinated regional efforts to address trafficking, domestic violence, and child abuse crimes. In 2013, reference groups in Nampula, Xai-Xai, and Ressano Garcia organized awareness campaigns, with prosecutors and police participating in marches through the regional capitals, reaching hundreds of community members. During the year, the GAMC formed trafficking interest groups in select schools in Maputo to carry out awareness activities for more than 3,500 teachers, students, and parents on preventing trafficking in persons. Although the Ministry of Labor acknowledged that child labor is pervasive and often abusive, it employed an inadequate number of labor inspectors, who lacked training and resources to adequately monitor for child trafficking and other labor violations, especially on farms in rural areas. The government did not make an effort to reduce the demand for commercial sex acts during the year.